

REMARKS

Claims 14-15, 27, 30-31, 33-38, 40-45, and 49-50, as amended, are pending in this application. In this Response, Applicants have amended certain claims. In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

In particular, independent claims 14, 27, and 35 have been rewritten to further clarify the invention. As no new matter has been added, Applicants respectfully request entry of these amendments at this time.

THE REJECTION UNDER 35 U.S.C. § 112

Claims 14-15, 30-31, 33-38, 40-45, and 47-50 were rejected under 35 U.S.C. § 112, second paragraph, as provided on page 3 of the Office Action. In particular, the Examiner rejected claims for the use of the phrase “at least one computer system.” While Applicants respectfully disagree that the use of the term “at least one computer system” renders the claim confusing, especially in light of the Written Description and accompanying figures (*see, e.g.*, Page 5, lines 4-5 and Figure 1), in an effort to expedite allowance, Applicants have rewritten the claims to further clarify the computer network involved in the method of the invention.

In light of the amendments to the claims, Applicants respectfully submit that the § 112 rejection is overcome. As such, reconsideration and withdrawal of the § 112 rejection is respectfully requested.

THE REJECTIONS UNDER 35 U.S.C. § 103

Claims 14-17 and 44 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent Publication No. 2001/0020222 to Lee in view of U.S. Patent No. 5,887,363 to Rhodes further in view of Hersey and in further view of U.S. Patent No. 6,861,396 to Baker *et al.* for the reasons provided on pages 4-9 of the Office Action. In addition, claim 43 was rejected under 35 U.S.C. § 103(a) as obvious over the combination of Lee, Rhodes, Hersey, and Baker and in further view of U.S. Patent No. 5,144,899 to Allen. The Examiner also rejected claim 45 under 35 U.S.C. § 103(a) as obvious over the combination of Lee, Rhodes, Hersey, and Baker and in further view U.S. Patent No. 6,092,605 to Cisneros. Claims 27-31, 33, 41-42, and 47 were also rejected under 35 U.S.C. §

103(a) as obvious over the combination of Lee, Rhodes, Hersey, and Baker and in further view of U.S. Patent No. 6,861,396 to Rudy as stated on pages 11-15 of the Office Action. Claims 34-38, 40, and 48 were rejected under 35 U.S.C. § 103(a) as obvious over the combination of Lee, Rhodes, Hersey, Baker, and Rudy and in further view of Allen as provided on page 15 of the Office Action. Finally, claim 49 was rejected under § 103(a) as obvious over Lee, Rhodes, Hersey, Baker, Rudy and in further view of Cisneros and claim 50 was rejected under § 103(a) as obvious over Lee, Rhodes, Hersey, Baker, Rudy, Allen and in further view of Cisneros. None of the cited combinations render obvious the presently recited invention.

Applicants appreciate the Examiner's time and effort to respond to Applicants' previous arguments. In response, Applicants have attempted to rewrite the claims to more clearly define the roles of the various computers in the network in the recited method. For example, the claims have been rewritten to more clearly define the remote locations of the first, second, and third computers in the computer network, with respect to each other.

Lee is deficient with respect to the present invention in several ways. First, despite the fact that the Examiner continually asserts that Lee teaches steps involving the manufacture of *golf shoes* (see, e.g., Office Action at Pages 4-5), Lee is completely silent as to a method of soliciting or placing an order for golf shoes. Accordingly, Lee is obviously completely silent as to cleat type, traction level, material treatment, and the like, all required parameters that must be input on the order form in the recited method.

Second, Lee does not disclose or even suggest a second computer at a warehouse remote from the store location and a third computer at the manufacturing facility remote from both the store location and warehouse. In fact, the only reference to a "network" in Lee appears to be in regard to the internet to the host computer rather than a network that allows communication between remote sites including a store location, a warehouse, and a manufacturing site, as presently recited.

The secondary references do not remedy this deficiency in Lee. In fact, as discussed in greater detail in the previous response, each of the secondary references are cited for very limited purposes with respect to the pending claims and the references do not necessarily cure the deficiency in Lee even for the cited purpose. See August 19, 2008 Response to Office Action at Pages 9-10. The Examiner appears to trivialize the number of parameters that must be input on the order form and then translated into manufacturing control data to search store and warehouse

inventory for stock or manufacturing the customized golf shoe according to the manufacturing control data by suggesting that a skilled artisan would have found it obvious based on the combination of four to six references, however, only the instant claims provide the roadmap with which to arrive at the present invention.

In sum, none of the references remedy the deficiencies of Lee including teaching a method of soliciting or placing an order for golf shoes. As such, even assuming for the sake of argument that a skilled artisan would have combined the many references cited by the Examiner in the manner suggested by the Examiner, the result of such a combination would not have been the presently recited method.

For at least these reasons, Applicants respectfully request reconsideration and withdrawal of the § 103 rejection based thereon.

CONCLUSION

All claims are believed to be in condition for allowance. If the Examiner believes that the present remarks still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned attorneys to discuss any remaining issues.

No fees are believed to be due at this time. Should any fee be required, however, please charge such fee to Hanify & King, P.C. Deposit Account No. 50-4545, Order No. 5220-007-US01.

Respectfully submitted,
HANIFY & KING
Professional Corporation

Dated: February 3, 2009

By: Stephanie D. Scruggs
Stephanie D. Scruggs, Registration No. 54,432
HANIFY & KING, Professional Corporation
1875 K Street, NW, Suite 707
Washington, D.C. 20007
(202) 403-2105 Telephone
(202) 429-4380 Facsimile